

Application No.: 10/700,174

Docket No.: 66124-0002

REMARKS

This amendment is intended to be fully responsive to the Office Action having a mailing date of September 30, 2005 wherein claims 1-13 are pending with 6-7 being finally rejected and the remaining claims being withdrawn from further consideration. Independent claim 6 has been amended. No new matter has been added by this amendment.

35 USC §102

Claims 6-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No.: 4,549,722 issued to Gagliano. Applicants respectfully traverse.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131.

Applicants have amended independent claim 6 to recite a fitting fixture for use with a handheld assembly tool that comprises "a body having first and second opposing planar surfaces; a flange for supporting the fitting, said flange extending outwardly from said first planar surface of said body; a selectively adjustable retaining member for securing the fitting against the flange; a receptacle for securing the fitting fixture to the assembly tool, said receptacle extending outwardly from said second planar surface; and a hole formed through said body and in alignment with said receptacle. Applicants submit that Gagliano does not disclose a fitting fixture that includes, amongst other things, a body having a receptacle that extends outwardly from the second planar surface and a hole formed through said body and in alignment with said receptacle. (See Figs 3 and 4; paragraph 23 of Applicants' specification).

Gagliano discloses "a fixed transverse plate 22, . . . , where an upstanding ball stud 24 at the center thereof is seated in a socket 25 on the bottom face of the jack pad 11". (See col. 2, lns. 52-55) However, there is no disclosure of there being a hole formed through the jack pad this is in alignment with the socket. For at least these reasons, claim 6 is patentable. By virtue of its dependency on claim 6, claim 7 is also patentable. Accordingly, Applicants respectfully request that the rejection be withdrawn.

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CONCLUSION

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66124-0002 from which the undersigned is authorized to draw.

Dated: October 18, 2005

Respectfully submitted,

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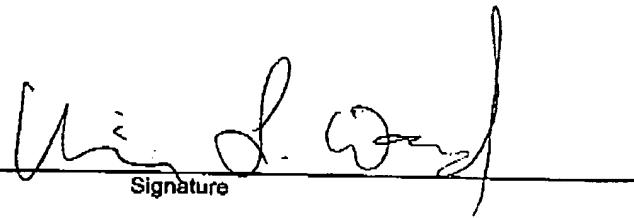
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Attorney Docket No.: 66124-0002

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Amendment (5 pages)